

### REMARKS

This is a Division of Application Serial No. 10/266,751 filed October 9, 2002.

Claims 1-4, 9-14, 17 and 18 are in the case.

In the parent application these claims were rejected under 35 U.S.C. § 102(b) or § 103(a) over Sakai et al., also in view of Grubb et al.

It is submitted that the present claims are neither anticipated by, within the meaning of 35 U.S.C. § 102, nor obvious from, within the meaning of 35 U.S.C. § 103, the cited references relied upon in the parent application.

Specifically, an essential feature of the claimed invention is that the respective layers are laminated sequentially by a sputtering method on one side of the glass substrate, not by spraying, as exemplified in the prior art. Unobviously superior results are obtained due to this claimed feature, particularly with regard to uniformity of the film thickness, visible light transmittance and coloration. Note page 27, lines 3 to 22, page 34, line 27 to page 35, line 13 and page 37, lines 3-8 of the specification. As there shown, by direct comparison with spraying, rather than the claimed sputtering method application, unobviously superior results are obtained.

The Examiner, in the parent application, recognized such procedural difference, but, citing M.P.E.P. § 2113, held product-by-process limitations in the claim as not providing patentable distinction absent a showing of criticality resulting in unexpected results between the claimed invention and the prior art. In other words, only a presumption of obviousness is made out by the art, it being rebuttable.

It is submitted that the comparative evidence in the case rebuts such presumption. As so shown at page 27, glass whose coating is applied by sputtering, rather than spraying, is free from whitening while color forming failure when printing is applied by means of a ceramic color paste. Also, the heat reflecting color film applied by sputtering is excellent in

coloration of silver printing. Further, such heat reflecting colored film is excellent in uniformity of the film thickness and composition, as well as visible light transmittance and light reflectance. The Examiner in the parent application considered the limitations respective thereto, i.e. of Claims 19 and 20, being the result of heating and sputtering, to be patentable features.

Further, the limitation of Claims 13 and 14 with regard to surface sheet resistance of the film-coated side being at least  $10^5 \Omega/\square$ , not so taught in the prior art, results in unobvious advantages and improvement in radio wave transmittance. Note page 23, lines 13-18 of the specification. Such also is not obvious.

Accordingly, an action on the merits and allowance of the claims is herewith solicited, Applicants, by objective evidence, having demonstrated that the product-by-process limitations are significant and material resulting in unobviously superior products.


Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



22850

Tel: (703) 413-3000  
Fax: (703) 413-2220

  
\_\_\_\_\_  
Norman F. Oblon  
Attorney of Record  
Registration No. 24,618

Samuel H. Blech  
Registration No. 32,082